

Atty. Docket No.: PALM.0881

Patent 10/404,584

**REMARKS**

Initially, Applicant respectfully requests confirmation that the Office Action of October 6, 2005 is non-final. Page 2 of the Office Action indicates that the Office Action was non-final, as does Public Pair. However, Page 11 of the Office Action indicates a "Final Office Action." Applicant is assuming the Action was actually non-final because finality of that Office Action would have been improper. The October 6 Office Action was responsive to a Request for Continued Examination, and the October 6 Office Action presented entirely new references. Thus, Applicant has assumed that the mentioning of the Office Action as being "Final" on Page 11 was errant, and not a true listing of the status of the Office Action.

Summary of the Office Action:

1. Claims 1-7, 10-19, 22, 25-28, and 30 stand rejected under 35 U.S.C. Section 103 as being unpatentable over MICROSOFT Reference and BASTERFIELD.
2. Claims 31-34 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by Dow.

Summary of the Response:

1. Claims 1-7, 10-22, 25-28 and 30 have been amended.
2. Claims 21-34 are being cancelled with this paper.
3. Claims 1-7, 10-22, 25-28 and 30 are the only claims pending.

***Rejections under 35 U.S.C. § 103***

Claims 1-7, 10-19, 22, 25-28, and 30 were rejected as being anticipated by MICROSOFT Reference (The Windows Interface: An Application Design Guide).

Independent Claim 1

Applicant respectfully disagrees with the position of the Office Action, and in particular, to what the Office Action states is a teaching of the MICROSOFT reference. MICROSOFT Reference does not teach the limitation of "process selection input when the menu bar is selectable, wherein the selection input is not either for (i) selection of any of the one or more menu items, or (ii) selection to activate a second menu." (Presented with Amendment).

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The teaching cited in the Office Action, Page 87, RIGHT ARROW, is explicitly taught as being an input to select another menu. ("moves to *next* menu; at extreme right, wraps to *leftmost* menu....In multicolumn menu, wraps to bottom of *previous* column") This is contrary to the expressed language of the claims, which states the selection input is not for selection to activate a second menu.

Applicant notes from the specification of the application that "one embodiment of the invention enables users to cancel an active menu using navigation and selection input that would otherwise be used to navigate menus and select menu items." In the context of a portable computing device, in which handheld computer is considered a subset, an embodiment permits a single selection input mechanism to both select menu items and cancel menu activation. This provides a more favorable user-experience than using a screen-tap or separate button, which is explained in the Background of the Invention. The MICROSOFT Reference does not teach the ability to cancel an active menu with selection input.

Independent Claim 22: Applicant reiterates the argument made above, further in combination with (i) the feature for use of navigation input to place the menu bar in a selectable state, and (ii) a set of actuatable mechanisms that are assigned menu functions for operating the menu when the menu is active.

***Rejections under 35 U.S.C. § 102(a)***

Independent Claim 31: As Applicant has canceled these claims, the rejection has become moot.

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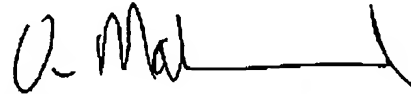
**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-7, 10-22, and 25-28, and 30 are in condition for allowance. Accordingly, a Notice of Allowance is requested. The Examiner is invited to call the undersigned if there are any issues that remain to be resolved prior to allowance of the claims.

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Please charge deposit account 50-1914 for any underpayments in connection with this Office Action response.

Respectfully submitted,  
Shemwell Mahamedí LLP



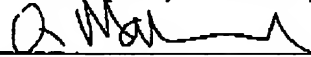
Van Mahamedí, Reg. No. 42,828

Date: February 6, 2006

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***Certification of Mailing***

I hereby certify that this paper, and any other documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, or being facsimiled transmitted to the USPTO using fax number (571) 273-8300, on the date indicated below

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Van Mahamedí  
(Name of person transmitting correspondence)